

No. 24-5935

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES
CERTIORARI

FILED

AUG 19 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Edward Greeman — PETITIONER
(Your Name)

Edward Burnett, vs.
Supt. of Fishkill C.F. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals Second Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Edward Greeman
(Your Name) Pro Se Attorney

Fishkill C.F.

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P.O. Box 1245
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(City, State, Zip Code)

None

(Phone Number)

RECEIVED

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QUESTION(S) PRESENTED

1. Whether the arrest was warrantless and if the arresting officers had jurisdiction to execute an arrest.[Point 1. of my §2254 habeas petition.] A Sixth Amend.U.S. Const. violation.
2. Whether the District Attorney withheld exculpable evidence from the Grand Jury, committing a Brady v. Maryland, 373 U.S. 83(1963), violation.[Point 4.of my §2254 habeas petition.] See U.S. v.Bagley, S.Ct. 473 U.S. 667.
3. Whether the evidence presented for the CPOFI in the 2° were legally sufficient to satisfy charges.[Point 3.of my §2254 habeas petition.]
4. Whether the District Attorney exceeded the maximum time it had to prosecute the case under CPL§ 30.30, [Point 2. of my §2254 habeas petition.] and consequently, violated my Sixth Amend.Right to a speedy trial.
5. Whether the U.S.D.C. Southern District and the C.o.A. 2nd. Circuit violated the exempt from procedural default rule pursuant to 28 U.S.C.A. § 2254(a). [Pt.1&2 above].
6. Whether my direct appeal from a criminal conviction presented one or more "not plainly frivolous" issues entitling me,despite my indigence,to have my appeal reviewed and

determined on the merits by the Court of Appeals—particularly in the light of the standards set forth by this Court in *Ellis v. United States*, 356 U.S. 674, and related cases.

7. Whether the Court of Appeals' refusal to determine my appeal on the merits constitutes an unconstitutional (Under the Due Process Clause) or an unlawful or an otherwise improper denial of justice or discrimination against indigent persons—particularly when the issues presented by my appeal are issues of a type which clearly would be reviewed and determined by the Court of Appeals on the merits in a comparable case presented by a nonindigent appellant.
8. Whether the Judicial Council, by rejecting my petition^{*} for review of the Chief Judge's Order, dismissing my complaints, against D.J.(A.S.) and M.J.(KHP), by 'rubber-stamping' the decision, and refusing to issue an Order pursuant to Rule 19(c) and (e) of the rules for Judicial Misconduct and Disability, was unconstitutional.
9. Whether the D.J.(A.S.), by discarding the M.J.(KHP)'s R&R and denying my habeas petition violated rule 28 U.S.C.A. § 636(c)(4) of the Rules for F.R.C.P.
10. Whether the Chief Judge, (D.A.L.), by acknowledging that the D.J.(A.S.), "erred by dismissing my habeas petition... . .", but dismissed my judicial misconduct complaint, abused her discretion —particularly in the light of the standards

set forth by this Court in *Haines v. Kerner* 404 U.S. 519, 520-21 and related cases*, was a constitutional violation.

11. Whether the evidence procured from the warrantless arrest should have been suppressed in violation of the Due Process Clause pursuant to the Fourteenth Amend.of the U.S. Const.

Footnotes - * = *Richardson v. U.S.* 193 F.3d 545, See e.g., *Haines v. Kerner*, 404 U.S. 519, 520-21, also *Anyanwutaku v. Moore*, 151 F.3d 1053 and 1054.

12. Whether the sentence of 5 1/2 years to 11 years is a constitutional violation of the New York Sentencing Guideline and another example, of a biased judge, abusing her discretionary powers, against an indigent defendant.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

(a) Edward Greeman v. Supt.of Fishkill C.F. ;

22-cv-4300(A.S.)(K.H.P.), U.S.D.C., S.D. (Dec. 28, 2023)

Slip Copy 2023 WL 9004777 (Approx. 2 pages)

(b) In Re Charges of Judicial Misconduct; [Doc. No. 24-90007-jm
against A. Subramanian, D.J. & M.J., (K.H.P.) Resp. 24-90008-jm]
Opinion is unpublished. Petition for review was denied on Jul. 02,
2024. See Appendix D.

See page 6 Statement of Case; for list of proceedings in state, appellate, U.S.D.C. and Court of Appeals, Second Circuit, that are "directly related" to my case in this Court (including the proceedings directly on review in this case). Since it challenges the same criminal convictions and sentence as is challenge in this Court, whether on direct appeal or through state and federal collateral proceedings.

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APPENDIX A ²	The U.S. Court of Appeals for the Second Cir. Order, Mandate, Case No.23-7761(07/08/2024).
APPENDIX A ³	The U.S. Court of Appeals for the Second Cir. Order, Denying Reconsideration, Case No.23-7761(6/28/2024)
APPENDIX B	The U.S.D.C. Order; Substitution for Order Denying Habeas Petition (Oct:20,2023)
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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Brady v. Maryland, 373 U.S. 83 S.Ct. 1194 (May 13, 1963)----- (i), 5	
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OTHER	

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States court of appeals

reported at 38 N.Y.3d 1008 & 37 N.Y.3d 1161; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court

reported at 2023 WL 9004777; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from state courts:

The opinion of the highest state court to review the merits

reported at 199 A.D. 3d 530, N.Y.A.D. 1 Dept. (Nov. 18, 2021)
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Court of Appeals Second Cir. court
is

reported at U.S. CoA Case NO. 23-7761 (04/19/2024) & 07/08/2024 & 07/28/2024
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 04/19/2024 case #23-7761.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following dates: 07/08/2024, 6/28/2024 and order denying rehearing appears at Appendix A, A&A.

An extension of time to file the petition for a writ of certiorari was granted to and including Nov. 25, 2024 (date) on Jul. 31, 2024 (date) in Application No. 24 A 114.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. This case involves the violations of the Fourth, Sixth, and Fourteenth Amend.of the U.S. Const..
2. It also involves the violation of the Speedy Trial Statute, pursuant to CPL §30.30(1)(a).
3. It also involves the violation of rule 28 U.S.C.A. §636(c)(4) of the Rules for Fed.Rules of Crim.Pro.
4. It also involves the violation of Rule 19(c)&(e) of the Rules for Judicial Misconduct and Disability.

Direct and Concise Arguments

1. The Federal issues raised in Pt.1&4 of my habeas petition were raised in Trial Court and the Appellate Div. Id. at Discussion, of 2023 WL 7412732[Oct.20,2023], L.34,38-39, denied. See People v.Greeman, 199 A.D. 3d 530(1st.Dept.2021). The CoA further denied reconsideration, 38 N.Y.3d 1008(2022).
2. My MOTIONS TO SUPPRESS the evidence procured from the warrantless arrest, and the dismissal of the top charge of 'Assault on Cop', a class C felony, leaving the other related charges as 'fruit of the poisonous tree', as set forth in Wong Sun v.U.S. 288 F.2d 366(U.S. C.A.9)*Id. at Opinion, 199 A.D.3d 530[Nov.08,2021] See also 37 N.Y.3d 1161(2022), CoA's denial of application, Jan.31, 2022. CoA further denied recon., 38 N.Y.3d 1008(Apr.01,2022).
3. The Federal issues of Pt.1.&4 were raised again in U.S.D.C. Southern Dist[Id. at 22-cv-4300(A.S.)(K.H.P.)]With emphasis on the exemption of procedural default, pursuant to 28 U.S.C.A §2254(a), for violation of the Sixth and Fourteenth Amend.of the U.S. Const. By the warrantless arrest and the Brady violation, of withholding of exculpable evidence. Id. at Pt.1&4 of my habeas petition. See 133 S.Ct.1911. Vacated and remanded.
4. Where the D.J.(A.S.) violated 28 U.S.C.A. §636(c)(4) and falsely claimed that he was authorized to do so. See 2023 WL 9004777 (Dec.28,2023), at L.16-27.

Footnotes- * =were denied.

STATEMENT OF THE CASE

On Jan.23,2020,a New York Supreme Court jury found me guilty of CPORI in the 2^o and other related charges, and sentenced me to 5 1/2years to 11years.Ind.No.4247/18,Case No.2020-01372 Entered Nov.18,2021.My Appeal was denied on Nov.18,2021.[199 A.B. 3d 530].Then my reconsideration motion was also denied on Jan.31, 2022 [37 N.Y.3d 1161].Leave to appeal was also denied,[38 N.Y.3d 1008,N.Y.,Apr.01,2022].I then filed a writ of habeas corpus which was denied,[2023 WL 7412732,S.D.N.Y.,Oct.20,2023].Reconsideration was also denied,[2nd.Cir.,Nov.16,2023].Re-reconsideration was also denied,[2023 WL 9004777,S.D.N.Y.,Dec.28,2023].

The Chief Judge D.A.Livingston,of the Court of Appeals. Second Circuit,remanded my case back only for reconsideration, after reviewing my complaints,of judicial misconducts by D.J(.A.S) and M.J.(K.H.P.) Reconsideration was again denied,[Case:23-7761 07/08/2024,U.S. Court of Appeals,Second Circuit].

On Jul.15,2024,I filed a complaint against the judicial council,for the violation of rule 19(c)&(e) of the Rules of Judicial Misconduct and Disability.

Each of the above motions were overruled without opinion or other explanation.

REASONS FOR GRANTING THE PETITION

A writ of certiorari is respectfully sought to review the Court of Appeals' order denying me, an indigent appellant, leave to appeal in forma pauperis on a direct appeal from a criminal conviction.

The opinion of the court of appeals' 2nd Cir. (Ap. B ^{Entered 7/8/2024}) is not yet reported.

1. Here, as in *Brady v. Maryland*, 83 S.Ct. 1194, certiorari granted, 83 S.Ct. 56 (Oct. 8, 1962), the prosecution withheld exculpable** 'impeachable material' in favor of my case. Where I was charged with 'Assault on Cop' a class C Felony, even though I was the victim of an assault, by the hands of the arresting officers. But this charge was* withheld from the Grand Jury, creating a Brady violation. Since the GJ would have had a different verdict, had they been privy to this charge. Therefore, the verdict in my case should be reversed like this court did in *Brady v. Maryland*. And since this is a Brady Violation, it is exempted from procedural default; *Id.* at [3] "Suppression by prosecution of evidence favorable to an accused upon request violates due process where evidence is material either to guilt or to punishment, irrespective of good faith or bad faith of prosecution. U.S.C.A. Const. Amend. 14." Therefore, by failing to fulfill its Brady obligation, by the lower Court this Court should grant this petition, to abort an egregious mis-

Footnotes- * = dismissed and

** = evidence from the Grand Jury, which was

carriage of justice. See Amado v. Gonzalez, 758 F.3d 1119 (U.S. CoA, 9th Cir.) (Jul. 11, 2014). Reversed and remanded. See also U.S. v Bagley 105 S.Ct. 3375, where this Court, "held that evidence withheld by § 2. Also, as in WONG SUN v. U.S., 288 F.2d 366, (U.S. C.A.9), certiorari granted, 82 S.Ct. 75, 83 S.Ct. 407. The Supreme Court, Mr. Justice Brennan held, that "'inter alia, that rule which regulates use of out-of-court statements is one of admissibility, rather than simply of weight, of evidence, and defendant's statement which will not suffice to convict may not serve to corroborate.'" Judgment of Court of Appeals reversed. In addition, see section 13 "Verbal evidence which derives immediately from unlawful entry and unauthorized arrest is no less the 'fruit' of official illegality than more common tangible fruits of unwarranted intrusion, and Fourth Amendment may protect against overhearing of verbal statement as well as against more traditional seizure of papers and effects. Fed. Rules Crim. Proc. rules 3, 4, 18 U.S.C.A.; U.S.C.A.; Const. Amend. 4"

Similarly, the arresting officers who executed a warrantless arrest in my case, in the absence of me, 'being in commission of committing a felony' or in an 'exigent circumstances', violated the standards set forth by this Honorable Court. In addition to the warrantless arrest, the arresting (MTA) officers, had no jurisdiction to execute an arrest, at Pearl Street Garage [Bldg. of U.S.D.C. Southern District], two blocks from South Ferry Train Station. These officers later claimed, to have six months of video surveillance, of me committing misdemeanor crimes, at SFTS.

Therefore, they also had no 'exigent circumstances' to arrest me without a warrant. Thus, 'This Most Igregious Miscarriage of Justice' should not have to be presented for litigation in this Court, but I PRAY that JUSTICE LIVES HERE.

Footnotes- * = government is "material", as would require reversal of conviction, [Reversed and remanded]

§ 71. Petition for Certiorari-Reasons for Granting the Writ-Federal Criminal Case

CONCLUSION

For the foregoing reasons, review of the instant case by this Court is clearly warranted. This Court should be aware that, the issues raised in my case clearly collides with this Court's interpretation of a key constitutional foundation of federalism, and review should be granted for that reason alone. The errors are so palpable, moreover, that I suggest that this is one of those exceptional cases in which summary reversal would be in order. These issues are not one that will benefit this Court or the Public, by further consideration by lower courts. There has already been more than sufficient time squandered on these issues that should have been resolved, in the lower courts, only in the absence of prejudicial treatment towards indigent litigators.

Therefore, the petition for a writ of certiorari should be granted.

Sincerely,

Edward Greenman

Pro Se Def. 9/10/84